

**REMARKS/ARGUMENTS**

Claims 44, 46-48, 50, 51, 53-55, and 57-58 are now pending. Applicants respectfully request the Examiner reconsider and withdraw all outstanding rejections in view of the amendments and remarks contained herein.

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Applicants thank the Examiner for the telephonic interview of October 7, 2009. Examiner Blair Johnson and Attorney Jennifer Brooks attended. Therein, the Examiner clarified the rejections, particularly for claims 46-48 and 53. For example, the Examiner clarified that the references to claim 49 should be viewed as references to claim 48. Also, the Examiner explained in more detail his reading of limitations in claims 46-48 and 53 on the operator turning off the system. Moreover, for claims 44 and 48, the Examiner emphasized the importance that Applicants distinguish over mere duplication of parts by addition of a second remote in the passive keyless entry system of Chin et al.

While agreement was not reached regarding allowance of claims, the Examiner did indicate that the present rejections might be avoided if the Applicant takes certain actions. For example, the Examiner indicated that changing "as long as" in claim 48 to "in response to" should avoid the interpretation that the maintaining step reads on the operator turning off the system. Additionally, the Examiner indicated various options for avoiding a similar reading of claims 46 and 47. Further, the Examiner indicated that his broad reading of claim 53 should be avoided by addition of a limitation to "causing the remote, in response to receipt of the additional signal, to stop responding to the search signal even when the search signal is present." Finally, the Examiner suggested addition to other independent claims, such as claim 44, of limitations directed to the individual remote location tracking operation as recited in claim 50.

The Examiner's assistance in clarifying the rejections and guidance regarding options for appropriate amendments is greatly appreciated.

**REJECTIONS UNDER 35 U.S.C. § 103**

Claims 44, 46-48, 50, 51 and 53-55, 57, and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,998,950 issued to Fitzgibbon et al. in view of U.S. Patent No. 5,942,985 to Chin. Applicant respectfully traverses this rejection.

The Examiner merely relies on Fitzgibbon et al. to teach a garage door opener responsive to wireless remote control. Fitzgibbon et al. do not teach, suggest, or motivate a garage door opener that transmits a search signal to multiple remote controls and responds to acknowledgements from the multiple remote controls to effect passive remote control of the barrier, including opening and closing of the barrier.

The Examiner relies on Chin to teach a lock operator for a desk or vehicle that transmits a pilot signal to a remote control and responds to a return signal from the remote control to unlock, but not open, the door. In one feature, a timer is employed to relock the lock after the remote control moves out of range or after the lock has been opened for a time. However, as best understood by Applicants, in the case that the remote control is still in range, the door would lock and notify the remote control, and the remote control would immediately tell the door to unlock, resulting in unlock of the door. For example, Figure 3 illustrates that the lock operator, after setting the locked state, transmits a return message and then immediately begins transmitting the pilot signal once more. Figure 4 illustrates that the remote control, upon receiving the return message, immediately receives and responds to the pilot signal, resulting in immediate unlock of the lock. Therefore, the lock remains unlocked while the remote is in range, except for periodic reset activities in which it locks and then immediately unlocks. Duplicating the remote part as suggested by the Examiner would result in a system that remains unlocked, except for the brief lock and unlock activities, whenever any of the remotes is in range. Fitzgibbon et al. and Chin, taken together and modified by duplication of parts, would not result in a barrier operator having plural remote controls that is capable of determining whether individual ones of the plural remote controls are in range, and thus would not be able to automatically maintain the door in a closed position automatically when any or all of the remotes are in range of the base unit. Nor would the suggested modification result in a system that is capable of instructing the

remote control units to cease responding to the search signal, even in presence of the search signal. Nor would the suggested modification result in a system that maintains the barrier in an open position automatically in absence of an acknowledgement from a remote control unit.

Applicants' claimed invention is generally directed to a method of operation for a barrier operator having plural passive remote control units that remotely effect operation of the same barrier by acknowledging a search signal transmitted by a base unit. Various embodiments of the claimed invention implement subject matter that amounts to more than a mere duplication of parts by adding an additional remote in the prior art passive keyless entry system. These embodiments are described below.

**Claim 54**

In some embodiments, the barrier operator can distinguish between the situation in which all of the remote control units are within communication range of the controller, and the situation in which only some of the remote control units are within communication range of the controller. For example, claim 54, especially as amended, recites, "causing said barrier to remain in an open position automatically in response to said base receiver receiving an acknowledgement signal transmitted from at least one, but not all, of said remote control units in response to said search signals from said base transmitter." This capability is not present in the Examiner's suggested modification of the combination of the prior art by duplication of parts in Chin et al. This difference is significant because the barrier operator is capable of taking actions to secure vehicles behind the barrier by, for example, implementing one or more of the additional steps recited in dependent claims 57 and 58.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claim 54.

**Claims 44, 46-48, 50, 51, and 58**

In some embodiments, Applicants' claimed invention is directed to a barrier operator that makes determinations whether individual ones of the plural remote control units are in a signal receiving range of a base unit, and selectively automatically

maintains the barrier in an open or closed position depending on whether all of the remotes are in range of the base unit. For example, claim 44, especially as amended, recites, "making determinations whether individual ones of said plural remote control units are within a radio frequency communication range of said controller, wherein said determinations are made in response to receipt of acknowledgement signals transmitted from said remote transmitters of said plural remote control units, and said acknowledgement signals are transmitted in response to said radio frequency search signal; and causing said barrier to move from a closed position to an open position in response to an acknowledgement signal from any one of said remote transmitters and remain in an open position automatically as long as any one, but not all, of said remote control units is within the radio frequency communication range of said controller; and causing said barrier to move from an open position to a closed position and maintain said barrier in the closed position automatically in response to determining that all of said remote control units have returned to the radio frequency communication range of said controller." Claims 46-48, 50, 51, and 58 recite similar, but not identical, subject matter, especially as amended. These differences are significant because the barrier operator is capable of taking actions to secure vehicles behind the barrier by closing the barrier and automatically maintaining it in the closed position when all of the remotes are present. These capabilities are not present in the Examiner's suggested modification of the combination of the prior art by duplication of parts in Chin et al.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 44, 46-48, 50, 51, and 58.

### **Claims 53 and 57**

In some embodiments, Applicants' claimed invention is directed to a barrier operator that sends an additional signal to a remote control unit to instruct that remote control unit to cease responding to the search signal in presence of the search signal. This difference is significant because it allows the controller base unit to continue to emit the search signal and look for return of other remotes while automatically maintaining the barrier in the closed position. Fitzgibbon et al. and Chin lack any teaching or suggestion of this subject matter, and Applicants' amendments make it clear

that these claims distinguish over the user turning off the system. It should be noted that Chin's remote control system would not be able to automatically maintain the lock in a closed state if any passive remote unit is in range.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 53 and 57.

**Claim 55**

In some embodiments, Applicants' claimed invention is directed to a barrier operator method that maintains a barrier in an open position absent an acknowledgement from a remote control unit. This embodiment is directly contrary to the teachings of Chin. As amended, claim 55 clearly distinguishes over the operator merely turning off the system.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 55.

**CONCLUSION**

Applicant respectfully requests entry of this Amendment. Applicant believes that the application as amended is in condition for allowance. Applicant hereby authorizes the Commissioner to charge any fees due but not submitted with this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicant's Attorney for any reasons that would advance the current application to issue. Please reference Attorney Docket No. 125426-1079.

Respectfully submitted,  
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